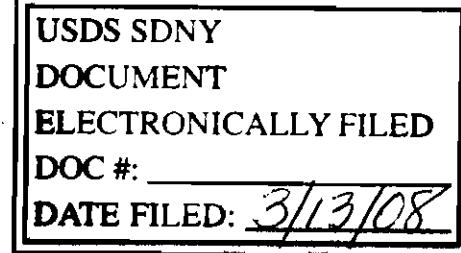


PETER COLLINS, : 08 Civ. 1936 (PKC) (JCF)  
Petitioner, :  
: O R D E R  
- against - :  
SUPERINTENDENT DALE ARTUS, Clinton :  
Correctional Facility, :  
: Respondent. :  
: JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE



This case having been referred by the Honorable P. Kevin Castel, U.S.D.J., and the Court having examined the petition in this action pursuant to 28 U.S.C. § 2254, and the Court having concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, it is

ORDERED, pursuant to Rule 4, that the respondent file the transcript of the state court proceedings and an answer or other pleading to the petition raising all available defenses no later than May 16, 2008; and it is further

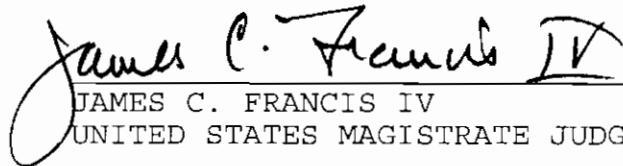
ORDERED that the petitioner file any reply papers no later than June 13, 2008; and it is further

ORDERED, pursuant to Rule 4, that the Clerk of the Court serve copies of this Order, of the petition, and of the form for Consent to Proceed Before a United States Magistrate Judge by certified mail upon the Attorney General for the State of New York and the Bronx County District Attorney; and it is further

ORDERED that by the date that the answer is filed, respondent

Case 1:08-cv-01936-PKC-JCF Document 5 Filed 03/13/2008 Page 2 of 2  
shall advise the undersigned whether the parties consent to refer  
this case to a United States Magistrate Judge for final disposition  
and, if so, shall return a fully executed copy of the enclosed  
consent form.

SO ORDERED.

  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
March 13, 2008

Copies mailed this date:

Peter Collins  
99-A-2393  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, New York 12929